

Exhibit 9

Reply Brief in Support of Hamad Al-Husaini's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

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Democracy's Season

Secretary Baker

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including the cessation of arms deliveries—have I listed twenty? Well, I've had at least 10 to list, and you can do the other 10.

Secretary Baker: For the benefit of our American colleagues, Mr. President, let me quickly summarize, if I can, what you've said. You've said that we've covered a wide range of subjects. We talked about 20 different, specific items, and you're quite right. You've listed a number of them: relations between the union and the republics, and between the republics themselves; economic cooperation; the transformation that's going on here in the Soviet Union, politically and economically; a number of different foreign policy problems, including questions of Afghanistan, Cuba, the Northern Territories, the Middle East.

We talked at length, as you just mentioned, about the central control—that is, one central control point for nuclear weapons within the Soviet Union. We talked about the future of consultations between the United States and the Soviet Union, and the republics of the Soviet Union, particularly, of course, the Russian Republic.

I should say, for the benefit of our traveling American press, Mr. President, that I told you, and I want to repeat right here, that it's the view of the American people, and the view of President Bush and all of us, that the recent attempt at unconstitutional overthrow of the duly constituted Government of the Soviet Union might well have succeeded but for your courageous leadership in mounting the defense right here outside the White House, and that the United States, and, indeed, the world as a whole—those who believe in freedom and in democracy and in human rights and in the benefits of a free market economic program—owe you a vast debt of gratitude.

Beyond that, I would simply say that we have had a very, very full and productive dialogue across a very broad range of subjects, and the ones I have just mentioned are not all of them. ■

US-Soviet Joint Statement on Afghanistan

Text of Joint statement and commentary released by Secretary Baker and Soviet Foreign Minister Pankin, Moscow, September 13, 1991.

Joint Statement: The United States and the USSR, consistent with the UN General Assembly resolutions adopted at the 43rd, 44th, and 45th sessions and with their commitment to the Geneva accords on Afghanistan, recognize the fundamental right of the Afghan people to determine their own destiny free from outside interference. In this regard, they support the statement of the UN Secretary General dated May 21, 1991, and reaffirm the need for a political settlement in Afghanistan that ensures an independent and non-aligned Afghanistan at peace with its neighbors and that establishes a new, broad-based government through an electoral process that respects Afghan political and Islamic traditions. The United States and the USSR agree that a transition period is required to reach these goals.

To this end, they call for and pledge to support a democratic and free electoral process that is not subject to manipulation or interference by anyone. The results of the electoral process must be respected and fully implemented by all. They request the United Nations, with the support of concerned governments, including those of Islamic countries, to work with the Afghans to convene a credible and impartial transition mechanism whose functions would include directing and managing a credible electoral process fully consistent with these principles. This transition mechanism, working closely with the UN and others as necessary, would have independent authority with all powers required to prepare for, conduct, and implement the results of this electoral process leading to the establishment of a new government that will have the broad support of the Afghan people. The details of these and other powers and functions would be decided through an intra-Afghan dialogue.

The United States and the USSR agree that a cessation of hostilities is essential for the peaceful conduct of elections during the transition period and

for a lasting political settlement. To facilitate this cessation, they agree to discontinue their weapons deliveries to all Afghan sides. They also agree that a cease-fire and a cutoff of weapons deliveries from all other sources should follow this step. They agree further to work toward withdrawal of major weapons systems from Afghanistan.

The United States and the USSR also reiterate their commitment to support an international humanitarian assistance effort to promote the prompt repatriation of refugees and reconstruction of Afghanistan.

To these ends, they reaffirm their willingness to promote in every way possible the efforts of the UN Secretary General to contribute in practical ways to the early settlement of this conflict.

Commentary: Today, the USSR and the United States issued a joint statement on Afghanistan specifying agreed approaches of the sides to a political settlement in that country along the lines of the UN Secretary General's statement of May 21, 1991.

Settlement of the issue of "negative symmetry," that is discontinuation of Soviet and US arms supplies to the conflicting Afghan sides, is one of the crucial elements of this agreement. The USSR and the United States agreed to cut off such supplies beginning January 1, 1992. They further agreed that neither the USSR nor the US will intensify arms supplies to any Afghan side in the interim. It is also hoped that during the remaining time the issue of the Soviet POWs will be settled. The United States pledges its best efforts to resolve this important humanitarian question.

It is also expected that other countries involved in the Afghan conflict should also follow the USSR and the United States in limiting their assistance to Afghanistan to humanitarian assistance only.

We expect that our joint steps will facilitate launching an intra-Afghan negotiating process and should lead to a pause followed by a complete cessation of military operations. □